

लैंगिक छळ झालेल्या बालकांची वैद्यकीय
तपासणी करण्यासंदर्भात मार्गदर्शक सुचना.

महाराष्ट्र शासन
वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग
शासन परिपत्रक क्रमांक: संकीर्ण-०८२४/प्र.क्र.३६५/ प्रशासन-२
गोकुळदास तेजपाल रुग्णालय आवार, लोकमान्य टिळक मार्ग
नविन मंत्रालय, मुंबई-४०० ००९
तारीख : ०२ सप्टेंबर, २०२४

शासन परिपत्रक:-

वैद्यकीय शिक्षण व संशोधन संचालनालय अधिनस्त सर्व शासकीय वैद्यकीय महाविद्यालय व रुग्णालयात केंद्र शासनाच्या लैंगिक गुन्ह्यांपासून बालकांचे संरक्षण कायदा, २०१२ व लैंगिक गुन्ह्यांपासून बालकांचे संरक्षण नियम, २०२० अनुसार लैंगिक छळ झालेल्या बालकांची वैद्यकीय तपासणी संदर्भात खालील नमूद सूचनाचे पालन करण्यात यावे.

Provisions in POCSO Act, 2012 - Section 27.

Section 27. Medical Examination of a child

- (1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973 (2 of 1973).
- (2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
- (3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.
- (4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.”

Provision in POCSO Rules, 2020 – Section 6

- 6(2) Emergency medical care shall be rendered in such a manner as to protect the privacy of the child, and in the presence of the parent or guardian or any other person in whom the child has trust and confidence.
- (3) No medical practitioner, hospital or other medical facility centre rendering emergency medical care to a child shall demand any legal or magisterial requisition or other documentation as a pre-requisite to rendering such care
- (4) The registered medical practitioner rendering medical care shall attend to the needs of the child, including:
 - (a) Treatment for cuts, bruises, and other injuries including genital injuries if any;
 - (b) Treatment for exposure to sexually transmitted diseases (STDs) including prophylaxis for identified STDs;
 - (c) Treatment for exposure to Human Immunodeficiency Virus (HIV). including prophylaxis or HIV after necessary consultation with infectious disease experts;

(d) Possible pregnancy and emergency contraceptives should be discussed with the pubertal child and her parent or any other person in whom the child has trust and confidence; and

(e) Wherever necessary, a referral or consultation for mental or psychological health needs, or other counselling, or drug de-addiction services and programmes should be made.

(5) The registered medical practitioner shall submit the report on the condition of the child within 24 hours to the SJPU (Special Juvenile Police Unit) or Local Police.

(6) Any forensic evidence collected in the course of rendering emergency medical care must be collected in accordance with Section 27 of the POCSO Act.

(7) If the child is found to be pregnant, then the registered medical practitioner shall counsel the child, and her parents or guardians or support person, regarding the various lawful options available to the child as per the Medical Termination of Pregnancy Act, 1971 and the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016).

(8) If the child is found to have been administered any drugs or other intoxicating substances, access to drug de-addiction programme shall be ensure.

(9) If the child is divyang (person with disability), suitable measure and care shall be taken as per the provisions of the Rights of Persons with Disabilities Act, 2016 (49 of 2016).

२. सदर परिपत्रक आयुक्त, वैद्यकीय शिक्षण व संशोधन संचालनालय यांनी त्यांच्या अखत्यारितील सर्व अधिष्ठाता, शासकीय वैद्यकीय महाविद्यालय व रुग्णालय व संबंधिताच्या निर्देशनास आणून देण्यात यावे. सर्व संबंधितांनी सदर कायद्याचे अमंलबजावणी योग्य रित्या होईल याची दक्षता घ्यावी अन्यथा संबंधितावर जबाबदारी निश्चित करून नियमानुसार कारवाई करण्यात येईल.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०२४०९०२१४१३५७७७१३ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(म. गि. जोगदंड)

अवर सचिव, महाराष्ट्र शासन

प्रत,

१. प्रधान सचिव, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई.

२. महालेखापाल (लेखा व अनुज्ञेयता) ½, महाराष्ट्र, मुंबई.

३. आयुक्त, वैद्यकीय शिक्षण व संशोधन संचालनालय, मुंबई.
४. संचालक, वैद्यकीय शिक्षण व संशोधन संचालनालय, मुंबई.
५. सर्व अधिष्ठाता / अधीक्षक, शासकीय वैद्यकीय महाविद्यालय व रुग्णालय.
६. निवडनस्ती (प्रशा-२)